



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

CRH:ICR/SKW/EHS  
F. #2022R00326

271 Cadman Plaza East  
Brooklyn, New York 11201

January 3, 2023

By Hand and ECF

The Honorable William F. Kuntz, II  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Frank James  
Criminal Docket No. 22-214 (WFK)

Dear Judge Kuntz:

As the Court is aware, on December 8, 2022, NBCUniversal Media, LLC filed a letter seeking to intervene in the case and unseal certain exhibits attached to the government's opposition to the defendant's pretrial motion to suppress his post-arrest statements and a witnesses' out-of-court identification of the defendant. See ECF No. 46. In this case, because the defendant pleaded guilty to the superseding indictment today in court, the defendant's right to a fair trial is no longer one of the bases to continue sealing the exhibits. Matter of N.Y. Times Co., 828 F.2d 110, 114 (2d Cir. 1987) (the defendant's right to a fair trial and privacy interests may be compelling reason justifying sealing). Additionally, counsel for the defendant has indicated they do not object to unsealing his recorded statement.

Accordingly, the government proposes unsealing the exhibits and redacting portions of the exhibits which include witness and victim identifying and sensitive information. The defendant and NBCUniversal agree to this proposal. While the government is sensitive to the need to minimize the amount of information that is filed under seal, limited redactions are warranted where, as here, it is necessary to protect the privacy interests and safety of the victims and witnesses in the case. United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995) (privacy interests of third parties may be compelling reason justifying sealing).

As these facts provide support for “specific, on the record findings” necessary to support redacting the exhibits, Lugosh v. Pyramid Co., 435 F.3d 110, 119-20 (2d Cir. 2006), the government respectfully requests that the Court record grant the government’s motion to unseal and redact the exhibits.

Respectfully submitted,

BREON PEACE  
United States Attorney

By: /s/  
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cc: Clerk of Court (EFK) (by ECF)  
Counsel of Record (by ECF)

The application is granted.  
SO ORDERED ~~denied~~  
s/ WFK

William F. Kuntz, II, U.S.D.J.

Dated: January 4, 2023  
Brooklyn, New York